

Remarks

Claims 81-114 are pending in the application following entry of this Preliminary Amendment. Claims 1-80 have been canceled. Claims 81 and 112-114 are the only independent claims pending.

No new matter is added by the amendments made herein. The claims are supported by the claims originally present in the priority application and the specification as filed. The claims have been re-written to clarify their compliance with U.S. patent claim requirements. Certain claims have been canceled without prejudice solely for the purpose of reducing the filing fee.

The amendments made to the specification reflect correction of the name of an enacted law and a Federal regulatory program, each of which were referred to inaccurately in the specification as filed. The correct name of the law (the "Organic Foods Production Act of 1990") is indicated in the enclosed page taken from the USDA web site. A search (copy enclosed) of the Internet performed using the Google search engine revealed no hits for the term "Organic Foods Protection Act" (i.e., the name of the legislation inaccurately listed in the specification), but instead returned the correct name of the legislation. A skilled artisan in this field would immediately recognize this to be the correct name of the enacted legislation.

Similarly, the name of the standards for the program set up by the USDA to carry out the mandates of this legislation was inaccurately listed in the specification as the "National Organic Standards." However, the accurate name of this program is the "National Organic Program Standards." A search (copy enclosed) of the Internet performed using the Google search engine revealed no hits for the term "National Organic Standards" (i.e., the name inaccurately listed in the specification), but instead returned the correct name of the standards. A skilled artisan in this field would immediately recognize this to be the correct name of the standards.

Summary

The Applicants respectfully contends that each of claims 81-114 is in condition for allowance. The Examiner is requested to issue a Notice of Allowance at the earliest possible time.

Respectfully submitted,

David J. KYLE et al.

19 September 2025
(Date)

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The National Organic Program

AMS USDA SEARCH

Organic Foods Production Act of 1990

6501 PURPOSES.

It is the purpose of this chapter

- (1) to establish national standards governing the marketing of certain agricultural products as organically produced products;
- (2) to assure consumers that organically produced products meet a consistent standard; and
- (3) to facilitate interstate commerce in fresh and processed food that is organically produced.

6502 DEFINITIONS.

As used in this chapter:

- (1) **Agricultural Product.** The term "agricultural product" means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock consumption.
- (2) **Botanical Pesticides.** The term "botanical pesticides" means natural pesticides derived from plants.
- (3) **Certifying Agent.** The term "certifying agent" means the chief executive officer of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of a State, such official, and any person (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation in accordance with this chapter.
- (4) **Certified Organic Farm.** The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this chapter as utilizing a system of organic farming as described by this chapter.
- (5) **Certified Organic Handling Operation.** The term "certified organic handling operation" means any operation, or portion of any handling operation, that is certified by the certifying agent under this chapter as utilizing a system of organic handling as described under this chapter.
- (6) **Crop Year.** The term "crop year" means the normal growing season for a crop as determined by the Secretary.
- (7) **Governing State Official.** The term "governing State official" means the chief executive official of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, who administers an organic certification program under this chapter.
- (8) **Handle.** The term "handle" means to sell, process or package agricultural products.
- (9) **Handler.** The term "handler" means any person engaged in the business of handling


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Food Standards Agency - The Food And Environment Protection Act 1985

Part I of the **Food and Environment Protection Act** was amended by Section 51 of the **Food Safety Act** 1990. The **Act** also applies in Scotland and Northern ...
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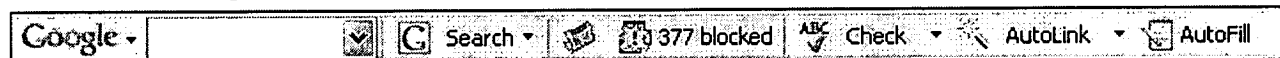
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